

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RUSSELL SCOTT FARIA,

Plaintiff,

v.

SERGEANT RYAN J. McCARRICK, *et al.*

Defendants.

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Case No. 4:16-CV-01175-JAR

JOINT PROPOSED SCHEDULING PLAN

Comes now Plaintiff by counsel W. Bevis Schock, Joel J. Schwartz and Nathan T. Swanson, and in response to the Court's Order Setting Rule 16 Conference, Doc.# 26, and on behalf of all parties, submits the following proposed Joint Scheduling Plan:

- a. Track Assignment. The parties believe the assignment to Track 2 is inappropriate because of the high number of expected depositions, and the parties therefore believe the case should be reassigned to Track 3.
- b. Joinder of Additional Parties or Amendment of Pleadings. The parties shall move to join additional parties or amend pleadings within 6 weeks of the Rule 16 Conference, by April 6, 2017.
- c. Discovery Plan.
 - i. Electronically Stored Information. The parties believe that there will be minimal Electronically Stored Information and do not anticipate the need for any special arrangements for such information.
 - ii. Agreements as to Privilege and Work Product. The parties are submitting herewith a proposed Protective Order which should resolve most problems.

- iii. Rule 26(a)(1) Initial Disclosures. Rule 26(a)(1) initial disclosures will be within 4 weeks of the Rule 16 Conference, by March 22, 2017.
- iv. Discovery in Phases or Limited to Certain Issues. The parties believe discovery need not be conducted in phases or be limited to certain issues, although in general the parties anticipate that they will exchange Rule 26(a)(1)(A) materials, engage in further written discovery including reasonable Interrogatories and Requests for Production, and then proceed to depositions of the parties and fact witnesses. The parties anticipate finishing written discovery by late spring of 2017, and finishing depositions around mid or late fall of 2017.
- v. Experts. The parties believe they should disclose experts serially.
 - (1) Disclosure of Plaintiff's Experts, Availability for Depositions. Plaintiff shall disclose his experts and submit expert reports within 34 weeks of the Rule 16 Conference, by October 19, 2017. Plaintiff shall make such experts available for deposition within the ensuing 4 weeks, by November 16, 2017.
 - (2) Disclosure of Defendant's Experts, Availability for Depositions. Defendants shall disclose their experts and submit expert reports within 4 weeks after the scheduled conclusion of the availability for depositions of Plaintiff's experts, by December 14, 2017. Defendant shall make such experts available for deposition within the ensuing 4 weeks, by January 11, 2018.

- vi. Presumptive Limits on Depositions and Interrogatories. The parties anticipate that the presumptive limits of 10 depositions per side as set forth in Fed.R.Civ.P. Rule 30(a)(2)(A) and 25 Interrogatories per party as set forth in Fed.R.Civ.P. Rule 33(a) will not be reasonable. The parties expect that there will be approximately 20 depositions per side (although both sides will want to depose many of such witnesses). The parties expect to be able to work out among themselves the need for any depositions above 20 per side.
- vii. Physical or Mental Exams. The parties do not anticipate physical or mental examinations of the parties.
- viii. Completion of Discovery. All discovery shall be completed within 52 weeks of the Rule 16 Conference, by February 22, 2018.
- ix. Other Pertinent Matters Related to Discovery. The parties know of no other matters pertinent to discovery in this case.
- d. Referral to Mediation or Early Neutral Evaluation. The parties believe referral to ADR could be productive, but only after written discovery, depositions of the parties and several other witnesses.
- e. Dispositive Motions. The parties shall file dispositive motions, including Motions to Dismiss and/or Motions for Summary Judgment, twelve weeks after the close of discovery, by May 17, 2018.
- f. Earliest Date for Trial. The earliest date by which the case should reasonably be expected to be ready for trial would be two years after the Rule 16 conference, that is, February 25, 2019.

- g. Length of Trial. The parties anticipate that the case will require approximately two weeks to try to verdict.
- h. Other Matters. The parties know of no other matters which should be included in the Joint Scheduling Plan.

Respectfully submitted,
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So Ordered,

Judge

Date _____